

III. RESULTS REVIEW

A. SSO 1: Legal systems operate more effectively to embody democratic principles and protect human rights (*Rule of Law*)

Respect for ROL and development of a well-defined and functioning justice system are essential underpinnings of a democratic society and a modern economy. Effective ROL curbs the abuse of power and authority, provides the means to equitably resolve conflicts, and fosters social interaction in accord with legal norms and widely accepted societal values. ROL consolidates the social contract between the government and the governed, in a form that upholds democratic institutions and provides for their sustained capability to serve and protect citizens. It is in this context that USAID has embraced ROL and human rights as cornerstones of its democracy assistance programs.

Center efforts are designed to improve the quality and effectiveness of USAID ROL programs worldwide. G/DG has identified appropriate legal frameworks, justice sector institutions, access to justice, and human rights as the essential building blocks of ROL programs. Based on experience gathered from field implementation, the Center has begun compiling data relative to lessons learned and best practices, and is sharing this information with interested missions. Increasing numbers of USAID missions are now recognizing the critical importance of ROL in bringing about democratic political reform and developing the political will necessary to effect lasting change.

There has been growing interest outside of USAID in ROL. In addition to the new inter-agency initiatives described below, the General Accounting Office, at the request of 12 members of Congress, initiated a study of administration of justice/ROL programming. The study, due out in the near future, has focused principally on Latin American projects. G/DG has worked with LAC to provide information and to highlight specific accomplishments since 1993.

1. Center Involvement in U.S. Foreign Policy Priorities

As ROL has become a central focus of U.S. foreign policy, inter-agency attention to ROL has dramatically increased, with both State and the NSC embarking on initiatives to coordinate and raise the profile of USG activities in this area. G/DG has worked hard with other parts of USAID and other U.S. agencies to emphasize the holistic nature of ROL systems. The Center has been one of the most vocal and persistent proponents of the need to develop an integrated model that incorporates penal, criminal, and civil law dimensions to the more traditional areas of USAID ROL activities.

Several significant developments in the inter-agency context have taken place. Principal among these is the designation of a senior ROL position within State to oversee the coordination of the many ROL programs undertaken by various USG agencies. Center staff helped to define the new coordinator's scope of work and, together with representatives from other USAID bureaus, have begun to work closely with him, placing particular emphasis on promoting a holistic and balanced approach to ROL program planning and implementation.

- In addition, the Center coordinated with the NSC, State, and DOJ on a Presidential Decision Directive on Peacekeeping and Complex Contingencies.
- The Center is represented on the newly created ICITAP/OPDAT Advisory Committee, established to enhance inter-agency communication and coordination in the areas of police and prosecutor training and development.

- Center staff also played a lead role in the President's Great Lakes Justice Initiative, providing assistance to define the initiative and ensure that it was both programmatically and politically sound. The project combined field realities with programmatic goals in a way that encouraged a partnership between government, private sector, and civil society to develop a unified vision of how to achieve justice and reconciliation.
- G/DG also provided technical guidance and expertise to a series of working groups and task forces, such as the U.S.-South Africa Binational Commission Justice and Anti-crime Cooperation Committee.

2. *Sharing Technical Expertise and Lessons Learned*

Recognizing that certain common elements and programmatic approaches have relevance across the gamut of ROL activities in the field, the Center has sought to capture and disseminate lessons learned from the many years of LAC Bureau experience in the field. These data were analyzed and compiled by Center staff into a series of reports and topical summaries for program guidance, including monographs entitled *Code Reform and Law Revision; Institutional Strengthening and Justice Reform; Judicial Training and Justice Reform; Political Will, Constituency Building, and Public Support in Rule of Law Programs; Rule of Law Programs Implemented in Latin America*; and the first chapter in a *Self-Study Guide for USAID Democracy Officers*. These reports have helped inform Center staff about key ingredients for, and impediments to, successful programming. The next step is to publish these findings as part of the Center's Technical Publication Series in order to share these lessons learned and best practices with field missions.

In addition, the Center developed a guide on ADR that has been liberally distributed to missions and partners. According to feedback from the field, including USAID/Madagascar and USAID/El Salvador, the guide has been useful in terms of understanding the basic concepts as well as designing programs addressing this technical area.

In an effort to stimulate interest in ROL programs for Africa, a region that up to the present has had little success in generating the sort of political will or civil society constituencies necessary to effect change, the Center oversaw a survey of ROL trends in Africa. The study, conducted during 1998, identified potential commonalities within the region and cited critical areas in need of improvement and assistance. The findings of this study were recently released to the field. Another key publication, the *Court Case Management Manual*, was completed in 1998 and will be available for dissemination in the near future.

3. *Field Support*

The Center has established itself as a valuable resource to USAID field missions and Washington bureaus, both through direct TDY technical assistance and guidance and through its implementing mechanisms. Over the past year, Center staff provided direct support to a number of high-priority countries, including Bulgaria, Colombia, Egypt, Guatemala, Mexico, Panama, and West Bank-Gaza. It also provided technical review, expertise, and guidance to additional missions, including Cambodia, El Salvador, Indonesia, Madagascar, Malawi, Mongolia, Paraguay, Rwanda, and Ukraine.

During the reporting period, the Center's ROL IQCs were used to implement activities in a number of USAID missions, including Caucasus, Dominican Republic, Guatemala, Honduras, Indonesia, Mozambique, Nicaragua, Paraguay, the Philippines, Rwanda, and West Bank-Gaza. Through an inter-agency agreement with DOJ, the Center was able to support ROL programs in a number of countries, including Ecuador, El Salvador, Haiti, Liberia, Rwanda, and West Bank-Gaza. The IDLI grant was used to implement activities in Bulgaria, Chad, Laos, Mongolia, and Oman.

Several specific examples of programmatic support serve to highlight the nature and impact of assistance provided by Center staff and expert consultants. Center staff supported a comprehensive assessment of the problems affecting the performance of **Panama**'s justice sector. Although USAID ROL assistance had previously been discontinued as a part of an anticipated mission closure, the study recommended resumption of activities in several key areas. As a result, a ROL assistance project is being re-established.

As part of USAID's effort to bring justice and reconciliation to **Rwanda**, the Center partnered with DOJ and—in less than two weeks—was able to field a team of experts to perform an assessment of the very sensitive Rwandan legal and political situation. Based upon the data generated from the assessment, Center staff assisted in designing a ROL program, and have subsequently provided support to USAID in Rwanda.

In **Liberia**, the Center again assembled an expert assessment team, composed of State, DOJ, and the Federal Judiciary, then provided technical guidance in the overall design of a DG program.

The Center provided technical assistance to USAID/**West Bank-Gaza** to explore ROL programming options and to help focus and shape mission thinking on program design. USAID/West Bank-Gaza reported that, as a direct result of programs conceptualized in a ROL assessment (conducted under an IQC with Chemonics International), a judicial association was formed, the Ministry of Justice undertook the development of administrative law and administrative law courts, and Birzeit University decided to initiate a U.S.-style legal education program.

The **Mongolian** bench book program, designed by IDLI, was deemed a successful and useful document by USAID/Mongolia. The mission reports that 90 percent of judges polled found the bench book relevant to their work. As a result, a large number of judges, advocates, prosecutors, police, prison officials, and media representatives have requested both the bench book and training in its use.

4. Program Management

To supplement technical assistance provided directly by staff, the Center also manages seven ROL implementing mechanisms, including four IQCs, two inter-agency agreements, and a public international organization grant to IDLI. In addition, Center staff and implementing mechanisms provided assistance to several ROL programs in USAID non-presence countries.

Human rights programming has become a higher priority within the ROL sector. That, combined with G/DG's determination to tap the expertise of the NGO community in implementing successful human rights and ROL programs, as well as program ESF funding resulting from renewed State interest, led the Center to compete and award cooperative agreements with two consortia of non-governmental, non-profit organizations in the area of ROL and human rights. These mechanisms are designed so that field missions can easily access them through an innovative "leader-associate" grant arrangement.

5. Expected Focus and Results through 2001

The departure of key staff from the ROL team, including the senior ROL advisor and a Democracy Fellow, coupled with the reduction in the FY 2000 budget, have occasioned a re-evaluation of the Center's programmatic focus and the streamlining of activities into the most critical ROL building blocks. For example, separate technical areas such as commercial/economic law and ROL institution-building are

being scaled back. Given budget restraints, the Center has also ended its direct support to IDLI and reduced its investments in the inter-agency agreement with the Federal Judiciary.

During FY 1999-2001, the Center anticipates completing negotiations on new IQCs and renewing the Participatory Agency Service Agreement (PASA) with DOJ. The Center will shortly re-bid its general ROL IQCs. In response to feedback from the field, the IQCs will be improved in the following ways: increased ceiling for longer term IQC activities; revised cost structure that is more cost-effective for missions, making it more user-friendly; and simplified labor categories for management purposes. In order to augment its capacity to respond to rapidly emerging opportunities, the Center plans to incorporate a rapid-response component into its new IQCs.

Issues related to inter-agency planning and coordination and the design of an overall strategic framework for ROL have been identified as additional program objectives during the coming year. Given the high level of interest in inter-agency cooperation and coordination, the Center continues to emphasize building close relationships with other entities working in the ROL arena. To this end, two representatives from DOJ have recently joined G/DG.

To better focus Agency activities and efforts in the ROL and human rights areas, G/DG will update *Weighing in on the Scales of Justice* and, drawing on additional technical findings and insights, craft an overall strategic framework for USAID missions (and increasingly other USG agencies) to use when developing ROL programs. The Center will work with other USG agencies to encourage use of the ROL strategic planning framework, using it to define roles and responsibilities and to address sequencing issues. El Salvador will be the first pilot case for effective inter-agency collaboration and coordination. Once the strategic planning framework has been developed and field-tested, the Center will draft a ROL training module for DG field officers planning to implement ROL programs.

The Center anticipates a growing demand from field missions in the areas of assessment, program design, implementation, and performance measurement. In light of recent political developments, it is likely that these Center technical resources will be sought in support of programs for Cambodia, Colombia, the Great Lakes region of Africa, Indonesia, Kosovo, Mongolia, Nigeria, and West Bank-Gaza.